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Attorneys for Defendant Eugene Latrell McNeely

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**OAKLAND DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EUGENE LATRELL MCNEELY,

Defendant.

Case No. CR 17-204-JD

**UNOPPOSED MOTION AND  
~~PROPOSED~~ ORDER TO CONTINUE  
STATUS CONFERENCE UNTIL  
JANUARY 10, 2018, AND EXCLUDE  
TIME UNDER THE SPEEDY TRIAL  
ACT**

Date: November 8, 2017

Time: 9:30 A.M.

On October 6, 2017, the Court granted the parties' stipulation requesting the Court continue a status conference set for October 11, 2017 until November 8, 2017. Dkt. No. 29. The defense respectfully requests that the Court continue the status conference until the Court's January 10, 2018 calendar.<sup>1</sup> Mr. McNeely recently completed the requirements for his GED, and his graduation from the program is scheduled for November 8, 2017. Mr. McNeely has worked hard over the past few months to pass the exams necessary to obtain his GED as part of his greater efforts to take steps while he is incarcerated to make his reentry into the community more successful. This graduation is an important recognition for him of those efforts. The defense requests the continuance of the status conference to allow Mr. McNeely to participate in the graduation.<sup>2</sup> In addition, although the defense is otherwise fully prepared to proceed with the status conference on November 8, lead appointed counsel, who is in Asia for the November 8 status conference, will be available to attend the January 10 status conference. The defense continues to diligently review the discovery produced by the government in this case, which has been voluminous, including most recently data from four cell phones produced by the government on October 19, 2017.

The defense requests that time be excluded under the Speedy Trial Act, 18 U.S.C. § 3161, until January 10, 2018. The time between Mr. McNeely's arraignment on May 9, 2017 and the status conference set for November 8, 2017 has already been excluded for effective preparation of counsel, taking into account the exercise of due diligence, under 18 U.S.C. § 3161(h)(7)(B)(iv). *See* Dkt. Nos. 8, 17, 25, 29. Time should continue to be excluded through the defense's proposed status conference date of January 10, 2018 to allow Mr. McNeely's counsel to continue reviewing discovery, conferring with Mr. McNeely, and preparing Mr. McNeely's pretrial motions.

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<sup>1</sup> The defense originally requested that the Court continue the status conference until the Court's November 21, 2017 calendar. *See* Dkt. No. 31. The Courtroom Deputy informed the defense and the government that the Court was not adding any more matters to the November 21 calendar and that the next available date on the Court's calendar for the status conference was January 10, 2018. The defense accordingly is filing this modified request.

<sup>2</sup> The government said that it takes no position on the defense's request.

1 The defense therefore requests: (1) this Court continue the status conference set for  
2 November 8, 2017 at 9:30 a.m. in the Oakland courthouse until January 10, 2018 at 10:30 a.m. in the  
3 San Francisco courthouse; and (2) exclude time under the Speedy Trial Act.

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8 Dated: November 7, 2017

VINSON & ELKINS LLP

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10 By: /s/ Erica Connolly  
Erica Connolly  
11 Attorneys for Eugene Latrell McNeely  
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**~~PROPOSED~~ ORDER**

Based on the good cause shown by the defense, the Court hereby:

1. Continues the November 8, 2017 status conference until January 10, 2018 at 10:30 a.m. in the San Francisco Courthouse;
2. Finds good cause to exclude time until the January 10, 2018 status conference from the Speedy Trial Act for the effective preparation of counsel, taking into account due diligence under 18 U.S.C. § 3161(h)(7)(B)(iv).

**IT IS SO ORDERED.**

DATED: 11/7/17

  
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HON. JAMES DONATO  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that on November 7, 2017, the foregoing document was electronically filed with the Clerk of the Court for the UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA, using Court's Electronic Case Filing (ECF) system. The ECF system routinely sends a "Notice of Electronic Filing" to all attorneys of record who have consented to accept this notice as service of this document by electronic means.

Dated: November 7, 2017

By: /s/ Erica Connolly  
Erica Connolly  
Attorney for Defendant  
Eugene Latrell McNeely